

Amendments to the Drawings:

The attached replacement drawing sheet makes changes to Fig. 8 and replace the original sheet with Figs. 8-10.

Attachment: Replacement Sheet

REMARKS

Claims 1-28 are pending. By this Amendment, the specification, drawings and claims 1-12, 14-18, 20-26, and 28 are amended. The Amendment to claims 4-6, 11, 12, 14-18, 24 and 25 are solely to remove reference numbers and have no effect on patentability. The amendments to claims 3, 7, 8-10, 21-23 and 26 also remove numbers but also correct minor informalities or dependency. They too do not effect patentability. No new matter is added.

I. Formal Matters

In the Office Action, the specification and claims are objected to. By this Amendment, a reformatted substitute specification is provided along with a version of the claims now in double spaced format. No new matter is added. Withdrawal of the objections is respectfully requested.

In the Office Action, claims 1-28 are rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed.

By this Amendment, the claims are amended to omit label numbers and to provide proper antecedent support for various claims. However, Applicants specifically traverse the following specific rejections.

With respect to the specific rejection in paragraph 5 of the Office Action, of the phrase "any other part," Applicants respectfully assert that this phrase is concise and definite. The claim clearly and definitely states that the biochip is in contact with the container only via the attachment means, which are provided only on the transverse peripheral strip, "excluding any other part, face or surface of the biochip." See, for example, Applicants' Figs. 2, 3A, 3B, 4, 5 and 6 which all show attachment means (5) attached solely to peripheral strips (7) of the biochip. This leaves other parts, for example, the active face (3) and the opposite face (6) completely exposed and free from the attachment means.

With respect to the specific rejection in paragraph 8 of the Office Action, Applicants submit that claim 2 must be read, and interpreted independently from claim 1, in light of the specification. When read in light of the specification, claim 2 is deemed concise and definite.

With respect to the specific rejection in paragraph 9 of the Office Action, Applicants submit that the "window" is clear and definite. The specification repeatedly refers to a window 81 defined by a window frame. See, for example, page 15, lines 1-3 and page 16, lines 18-20 of the original specification. However, for further clarity, Fig. 8 and the associated specification are amended to add label 81A to show the window frame which defines the window 81. This will differentiate the frame from the opening 81A shown in the other figures. No new matter is added.

With respect to paragraph 10 of the Office Action, Applicants respectfully disagree. When read in light of the disclosure, one of ordinary skill in the art would have recognized that this means that the attachment means does not obstruct or mask any portion of the active face (such as, for example, as disclosed on page 3, lines 9-19).

With respect to the specific rejection in paragraph 11 of the Office Action, one of ordinary skill would have recognized that when read in light of the specification and Fig. 1, for example, the active surface becomes part of the active face. Thus, the meaning of "merge" is concise and definite.

With respect to the specific rejection in paragraph 12 of the Office Action, this phrase is concise and definite when read in light of the specification, which provides numerous examples of tolerances of "interstices" (page 6, lines 21-33).

With respect to the specific rejection in paragraph 13 of the Office Action, claim 9 is written in means plus function format, and should be read in light of the specification to encompass all disclosed corresponding structures and equivalents thereof, such as those found in Figs. 3A, 3B and 5.

With respect to the specific rejection in paragraph 14 of the Office Action, Applicants respectfully disagree. The "interstice" is the dimension of the space between the border of the window frame and the transverse strip (see figures and page 6, lines 21-33).

With respect to the specific rejection in paragraph 15 of the Office Action, Applicants respectfully disagree. When read in light of the specification, it is clear that the "opposite zones" of the transverse strip include two opposite sides of the biochip where the transfer strips are provided (Figs. 2-6). Thus, this claim is concise and definite.

With respect to the specific rejection in paragraph 17 of the Office Action, claim 21 is deemed concise and definite when read in light of the specification, such as, for example, at page 16, lines 25+ which describe flexible arms that can urge against the biochip.

With respect to the specific rejection in paragraph 18 of the Office Action, claims 21-24 are deemed concise and definite. When read in light of the specification, it is clear that the phrase "at the level of the window" means that the structure is provided within the vertical bounds of the window (i.e., not above or below the window).

With respect to the specific rejection in paragraph 19 of the Office Action, the cross-section refers to that of the claws. This is supported by the specification at, for example, page 17, lines 23-30 and Fig. 6.

Based on the above, pending claims 1-28 are deemed concise and definite.

Withdrawal of the rejection is respectfully requested.

II. The Pending Claims Define Patentable Subject Matter

In the Office Action, claims 1-9, 11-16 and 19-28 are rejected under 35 U.S.C. §102(b) over European Patent Publication No. EP0695941 to Bessemer ("Bessemer"). Additionally, claims 10, 17 and 18 are rejected under 35 U.S.C. §103(a) over Bessemer. These rejections are respectfully traversed.

In making the rejection of claim 1, the Office Action refers to Figs. 27A and 27B of Bessemer for the attachment means. However, the biochip in Bessemer is not in contact with the container solely via an attachment means attached only to the transverse peripheral strip. Rather, in Bessemer, the biochip is in contact with the bottom of the cavity of the container at the face opposite the active face.

Accordingly, because each and every feature of independent claim 1 is not taught or suggested by Bessemer, independent claim 1 and claims dependent therefrom are not anticipated by Bessemer.

In making the rejection of claim 2, the Office Action interprets adhesive 2741 as the recited "window" of the container. However, adhesive 2741 is separate from the container and is not a "window." In fact, the container in Bessemer fails to teach or suggest any "window" structure having a through opening therein. It appears that the Office Action relies on the same element (adhesive 2741) to serve as both the window and the attachment means. However, this interpretation is both inconsistent with Bessemer and inconsistent with the claimed features. Claim 2 specifically recites a container having a window, through which the biochip is attached via an attachment means placed on opposite lateral sides of the active face of the biochip. Bessemer provides a cavity within the container, which is not a window. Moreover, even if the adhesive in Bessemer could form a window frame, there is no structure forming the recited attachment means that connects the biochip to the container through the window as recited in claim 2.

Because each and every feature of independent claim 2 is not taught or suggested in Bessemer, independent claim 2 and claims dependent therefrom are not anticipated by Bessemer.

With respect to process claim 24, Bessemer fails to teach or suggest a process in which the biochip is maintained opposite the container and an adhesive seal is distributed

between the transfer strip of the biochip and the container. Rather, Bessemer discloses a process in which the chip is positioned on the container and preferably on a ridge, which forms a trough in which liquid adhesive is deposited. Such adhesive is deposited below the chip and in contact with the face opposite the active face and partially with the edge of the chip. Accordingly, such adhesive is not distributed solely between the transverse strip and the container as required by the claim but rather is also provided in the face opposite the active face. Thus, because each and every feature of claim 24 is not taught or suggested by Bessemer, this claim is not anticipated by Bessemer.

Moreover, the subject matter recited in claims 1-28 would not have been obvious in view of Bessemer. Bessemer specifically teaches a device and process in which a biochip is in contact with the container and sealed at least partially via a face opposite the active face. See, for example, Figs. 27A-27B of Bessemer and col. 17, lines 10-26. If anything, Bessemer teaches against the claimed invention by teaching an advantage to providing a chip that does not require an edge for mounting and specifically providing a mounting structure in which a bottom surface is directly mounted. Thus, Bessemer does not appreciate the problem that is solved by aspects of the invention and the subject matter set forth in claims 1-28 would not have been obvious to one of ordinary skill in the art.

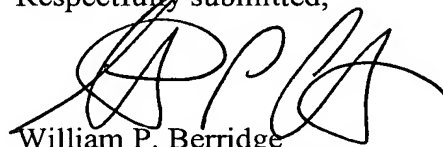
Withdrawal of the rejections is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-28 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:SPC/fpw

Attachments:

Substitute Abstract
Substitute specification
Marked up copy of specification
Replacement Sheet

Date: January 6, 2005

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